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WORKRITE ERGONOMICS, LLC and  
KNAPE & VOGT MANUFACTURING COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA <i>ex rel.</i>	)	CASE NO.: 4:16-cv-02789 JSW
MICHAEL FRANCHEK and STATE OF	)	
CALIFORNIA, <i>et al. ex rel.</i> MICHAEL	)	<b>DEFENDANTS' SUPPLEMENTAL</b>
FRANCHEK,	)	<b>RESPONSES TO RELATOR</b>
	)	<b>MICHAEL FRANCHEK'S</b>
Plaintiffs,	)	<b>INTERROGATORIES, SET ONE,</b>
	)	<b>NOS. 4-6</b>
v.	)	
	)	
WORKRITE ERGONOMICS, LLC and	)	
KNAPE & VOGT MANUFACTURING	)	
COMPANY,	)	
	)	
Defendants.	)	

PROPOUNDING PARTY: Relator, MICHAEL FRANCHEK

RESPONDING PARTY: Defendant, WORKRITE ERGONOMICS, LLC and KNAPE &  
VOGT MANUFACTURING COMPANY

SET NO.: ONE

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Defendants Workrite Ergonomics, LLC and Knap & Vogt Manufacturing Company  
("Defendants") by and through their attorneys, submit the following objections and responses to  
Michael Franchek's ("plaintiff" or "relator") Interrogatories, Set One.

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**RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 4:**

Identity all attorneys, paralegals and any other billable personnel who have performed legal work for Defendants on the *United States and State of California ex rel. Michael Franchek v. Workrite Ergonomics, LLC. et al.* (Case No. 4:16-cv-02789 JSW) matter, or any related investigation or representation, including persons employed by Defendants and persons employed by Jenner & Block LLP or other outside counsel.

**RESPONSE TO INTERROGATORY NO. 4:**

Objection, this interrogatory is neither relevant to any party's claim or defense nor proportional to the needs of the case, in that the seven claims in the complaint are: (1) federal false claims; (2) federal false statements; (3) federal reverse false claims; (4) California false claims; (5) California false statements; (6) California reverse false claims; and (7) California failure to disclose false claims. Further, all the claims from the complaint have been settled as per the stipulations for dismissal found at docket entry nos. 27 and 37. Moreover, because a motion for attorney fees is not currently pending, this interrogatory is premature, unduly burdensome, irrelevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this interrogatory calls for the opinions of experts, consultants, and counsel, and thus seeks information protected by the attorney work-product doctrine.

Subject to, and without waiving said objections, Defendants respond:

Approximately 95%+ of legal work done by:

1. John Terry Dillon, member at McShane & Bowie;
2. James R. Bruinsma, member at McShane & Bowie;
3. Matthew L. Haws, partner at Jenner & Block; and
4. Matthew Kuipers, contract attorney.

Additional minor contributions from:

5. Brian Hauck, partner at Jenner & Block;

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

6. Cheryl Olson, paralegal at Jenner & Block;
7. Bryan Power, paralegal at Jenner & Block;
8. Satenik Harutyunyan, associate at Jenner & Block;
9. Scott Whitman, associate at Jenner & Block;
10. David Robbins, partner at Jenner & Block;
11. Angela M. Allen, partner at Jenner & Block;
12. Thomas J. Perrelli, partner at Jenner & Block; and
13. Kate Spelman, partner at Jenner & Block.

Current Counsel for Defendants:

14. Fletcher Alford, partner at Gordon Rees Scully Mansukhani;
15. Myles Lanzone, senior counsel at Gordon Rees Scully Mansukhani; and
16. Colin Mackenzie, paralegal at Gordon Rees Scully Mansukhani.

Investigation and analysis are continuing and Defendants reserve the right to supplement or amend this response as additional investigation and analysis uncovers additional relevant information.

**INTERROGATORY NO. 5:**

For each person identified in response to Interrogatory 4, state the person's regular or customary billing rate(s) (for any matter) during each year the person worked on the *United States and State of California ex rel. Michael Franchek v. Workrite Ergonomics, LLC. et al.* (Case No. 4:16-cv-02789 JSW) matter or any related investigation or representation, and the person's current hourly billing rate(s), including the full range of the person's hourly billing rate in each period, if different rates were used for particular activities or types of work.

**RESPONSE TO INTERROGATORY NO. 5:**

Objection, this interrogatory is neither relevant to any party's claim or defense nor proportional to the needs of the case, in that the seven claims in the complaint are: (1) federal false claims; (2) federal false statements; (3) federal reverse false claims; (4) California false claims; (5) California false statements; (6) California reverse false claims; and (7) California

1 failure to disclose false claims. Further, all the claims from the complaint have been settled as  
 2 per the stipulations for dismissal found at docket entry nos. 27 and 37. Moreover, because a  
 3 motion for attorney fees is not currently pending, this interrogatory is premature, unduly  
 4 burdensome, irrelevant to the subject matter of the action, and not reasonably calculated to lead  
 5 to the discovery of admissible evidence.

6 Additionally, this interrogatory calls for the opinions of experts, consultants, and counsel,  
 7 and thus seeks information protected by the attorney work-product doctrine.

8 Subject to, and without waiving said objections, Defendants believe that the rates listed  
 9 below are the regular, customary billing rates for each of the people identified above as these are  
 10 the rates Defendants were charged, and if there were any changes to this rate during the relevant  
 11 time period that Defendants are aware of, the change is noted (Defendants do not know what the  
 12 current rates are):

- 13 1. John Terry Dillon, McShane & Bowie, \$350 hourly;
- 14 2. James R. Bruinsma, McShane & Bowie, \$350 hourly;
- 15 3. Matthew L. Haws, Jenner & Block, \$875 hourly, \$915 hourly as of 2020;
- 16 4. Brian Hauck, Jenner & Block, \$925 hourly (0.3 hours total);
- 17 5. Cheryl Olson, Jenner & Block, \$370 hourly;
- 18 6. Bryan Power, Jenner & Block, \$370 hourly;
- 19 7. Satenik Harutyunyan, Jenner & Block, \$685 hourly;
- 20 8. Scott Whitman, Jenner & Block, \$560 hourly;
- 21 9. David Robbins, Jenner & Block, \$1,000 hourly (0.3 hours total);
- 22 10. Angela M. Allen, Jenner & Block, \$860 hourly (1.0 hour total);
- 23 11. Thomas J. Perrelli, Jenner & Block, \$1,350 hourly (4.3 hours total);
- 24 12. Kate Spelman, Jenner & Block, no charge;
- 25 13. Matthew Kuipers, \$50 hourly;
- 26 14. Fletcher Alford, Gordon Rees Scully Mansukhani, \$350 hourly;
- 27 15. Myles Lanzone, Gordon Rees Scully Mansukhani, \$350 hourly; and

16. Colin MacKenzie, Gordon Rees Scully Mansukhani, \$150 hourly.

Investigation and analysis are continuing and Defendants reserve the right to supplement or amend this response as additional investigation and analysis uncovers additional relevant information.

**INTERROGATORY NO. 6:**

For each person identified in response to Interrogatory 4, state the person's regular or customary hourly billing rate(s) during each year for work performed on the *United States and State of California ex rel. Michael Franchek v. Workrite Ergonomics, LLC. et al.* (Case No. 4:16-cv-02789 JSW) matter or any related investigation, including the full range of the person's hourly billing rates on this matter if more than one rate is used for particular activities or types of work, and state whether each rate is the person's full and usual billing rate or a discounted, "blended" or otherwise altered billing rate.

**RESPONSE TO INTERROGATORY NO. 6:**

Objection, this interrogatory is neither relevant to any party's claim or defense nor proportional to the needs of the case, in that the seven claims in the complaint are: (1) federal false claims; (2) federal false statements; (3) federal reverse false claims; (4) California false claims; (5) California false statements; (6) California reverse false claims; and (7) California failure to disclose false claims. Further, all the claims from the complaint have been settled as per the stipulations for dismissal found at docket entry nos. 27 and 37. Moreover, because a motion for attorney fees is not currently pending, this interrogatory is premature, unduly burdensome, irrelevant to the subject matter of the action, and not reasonably calculated to lead to the discovery of admissible evidence.

Additionally, this interrogatory calls for the opinions of experts, consultants, and counsel, and thus seeks information protected by the attorney work-product doctrine.

Subject to, and without waiving said objections, Defendants respond that below are what they believe to be the regular or customary hourly billing rate(s) for each person identified in response to Interrogatory 4 during the years that work was performed on the *United States and*

1 *State of California ex rel. Michael Franchek v. Workrite Ergonomics, LLC. et al.* (Case No.  
2 4:16-cv-02789 JSW) matter or any related investigation. Defendants also believe that these rates  
3 were the full and usual rates for these attorneys.

- 4 1. John Terry Dillon, McShane & Bowie, \$350 hourly;
- 5 2. James R. Bruinsma, McShane & Bowie, \$350 hourly;
- 6 3. Matthew L. Haws, Jenner & Block, \$875 hourly, \$915 hourly as of 2020;
- 7 4. Brian Hauck, Jenner & Block, \$925 hourly;
- 8 5. Cheryl Olson, Jenner & Block, \$370 hourly;
- 9 6. Bryan Power, Jenner & Block, \$370 hourly;
- 10 7. Satenik Harutyunyan, Jenner & Block, \$685 hourly, full and usual rate;
- 11 8. Scott Whitman, Jenner & Block, \$560 hourly, full and usual rate;
- 12 9. David Robbins, Jenner & Block, \$1,000 hourly, full and usual rate;
- 13 10. Angela M. Allen, Jenner & Block, \$860 hourly, full and usual rate;
- 14 11. Thomas J. Perrelli, Jenner & Block, \$1,350 hourly, full and usual rate;
- 15 12. Kate Spelman, Jenner & Block, no charge, unsure of this attorneys rate;
- 16 13. Matthew Kuipers, \$50 hourly, full and usual rate;
- 17 14. Fletcher Alford, \$350 hourly, full and usual rate;
- 18 15. Myles Lanzone, \$350 hourly, full and usual rate; and
- 19 16. Colin Mackenzie, \$150 hourly, full and usual rate.

20 Investigation and analysis are continuing and Defendants reserve the right to supplement  
21 or amend this response as additional investigation and analysis uncovers additional relevant  
22 information

23 Dated: October 8, 2021

GORDON REES SCULLY MANSUKHANI, LLP

24 By: /s/ Myles Lanzone  
25 Fletcher C. Alford  
26 Myles Lanzone  
27 Attorneys for Defendants  
28 WORKRITE ERGONOMICS, LLC and  
KNAPE & VOGT MANUFACTURING  
COMPANY

**VERIFICATION**

I, Nathan Van Ryn, declare:

I am the General Counsel of **WORKRITE ERGONOMICS, LLC and KNAPE & VOGT MANUFACTURING COMPANY**, which are Defendants in the above-entitled action, and I have been authorized to make this verification on their behalf.

I have read the foregoing **DEFENDANTS' SUPPLEMENTAL RESPONSES TO RELATOR MICHAEL FRANCHEK'S INTERROGATORIES, SET ONE, NOS. 4-6** on file herein and know the contents thereof. To the extent I have personal knowledge of the matters set forth therein, the same are true and correct. Insofar as said matters are a composite of the information of many individuals, I do not have personal knowledge concerning all of the information contained in said Response, but I am informed and believe that the information set forth therein for which I lack personal knowledge is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Grand Rapids, Michigan on October 08, 2021.

/s/ Nathan Van Ryn

**CERTIFICATE OF SERVICE**

in

*UNITED STATES OF AMERICA, EX REL MICHAEL FRANCHEK, ET AL.,*  
*V. WORKRITE ERGONOMICS, LLC, ET AL.*  
 U.S.D.C., N.D., CA; CASE NO. 4:16-cv-02789 JSW

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 275 Battery Street, Suite 2000, San Francisco, CA 94111, my electronic mail address is pparks@grsm.com. I

served the foregoing document(s) as follows: **DEFENDANTS' SUPPLEMENTAL**

**RESPONSES TO RELATOR MICHAEL FRANCHEK'S INTERROGATORIES, SET ONE, NOS. 4-6**

☒ **BY ELECTRONIC MAIL** by transmitting via electronic mail the document(s) listed above to the address(es) listed below on this date pursuant to FRCP 5(b)(2)(E).

<b><u>Attorneys for Relator Michael Franchek</u></b> Paul D. Scott Lani Anne Remick <b>Law Offices of Paul D. Scott, P.C.</b> 435 Pacific Avenue, Suite 200 San Francisco, CA 94133 Phone: 415-981-1212 Fax: 415-981-1215 Email: pdscott@lopds.com Email: laremick@lopds.com	<b><u>Attorneys for United States ex. rel.</u></b> Shiwon Choe <b>United States Attorney's Office</b> <b>Northern District of California</b> 450 Golden Gate Avenue, Box 36055 San Francisco, CA 94102 Phone: 415-436-6967 Email: shiwon.choe@usdoj.gov
<b><u>Attorneys for The State of California ex. rel.</u></b> Maria Ellinikos <b>California Department of Justice</b> <b>Office of the Attorney General</b> 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102 Phone: 415-510-3447 Fax: 415-765-9501 Email: maria.ellinikos@doj.ca.gov	///

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction this service was made. Executed on **October 8, 2021** at San Francisco, California.

/s/ Paul A. Parks

Paul A. Parks